

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Galen Austin Gavit,

Plaintiff,

Case No. 17-cv-13066

v.

Judith E. Levy

United States District Judge

Commissioner of Social Security,

Mag. Judge Elizabeth A. Stafford

Defendant.

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**ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION [26]**

This is a Social Security appeal. Before the Court is Magistrate Judge Elizabeth Stafford's December 7, 2018 report and recommendation (Dkt. 26) recommending the Court deny plaintiff's motion for summary judgment (Dkt. 21) and grant defendant's motion for summary judgment (Dkt. 25). The parties were required to file specific written objections to the report and recommendation within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d). No objections were filed. The court has nevertheless thoroughly reviewed the report and recommendation and concurs in the reasoning and result. Accordingly,

The report and recommendation (Dkt. 26) is ADOPTED;  
Plaintiff's motion for summary judgment (Dkt. 21) is DENIED;  
Defendant's motion for summary judgment (Dkt. 25) is GRANTED;  
and

The findings of the Commissioner are ADOPTED and this case is  
hereby DISMISSED.<sup>1</sup>

IT IS SO ORDERED.

Dated: January 16, 2019  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

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<sup>1</sup> The parties, by failing to object to the Report and Recommendation, have waived any further right of appeal. *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981).

## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 16, 2019.

s/Shawna Burns  
SHAWNA BURNS  
Case Manager